

## **DETAILED ACTION**

1. Applicants' amendments have been received on March 6, 2008. Claims 26-36 have been cancelled. Claims 22-25 have been amended.
2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action.

### ***Claim Rejections - 35 USC § 112***

3. The rejections under 35 U.S.C 112, first paragraph, on claims 22-25 are withdrawn because the Applicants have amended the claims.
4. The rejection under 35 U.S.C 112, first paragraph, on claim 26 is withdrawn because the Applicants have cancelled the claim.
5. The rejections under 35 U.S.C 112, second paragraph, on claim 26 are withdrawn because the Applicants have cancelled the claims.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 22-25 rejected under 35 U.S.C. 102(b) as being anticipated by Dahn et al. (US Patent 4,959,282).

8. The Dahn et al. reference discloses a method of making an electrochemical material by heating and stirring a slurry of a gamma-lithiated dioxide in an aqueous solution of lithium hydroxide at a temperature of 100°C. The intermediated product is placed in an oven heated to 370°C (Example 1). During the heat treatment step, bound water is driven off from MnO<sub>2</sub>. Additional water vapor may be generated by decomposition of the lithium-containing compound as the lithium is incorporated into the MnO<sub>2</sub> structure. This water is removed by the heat treatment. The original gamma phase manganese dioxide crystal lattice is transformed to a new crystal lattice structure (Applicant's gamma-manganese dioxide; 5:50-60). The product mol ratio is about 0.22:1 lithium to manganese dioxide (Figure 1 and Table 2)

***Claim Rejections - 35 USC § 102/103***

9. The rejection under 35 U.S.C 102 (b) as anticipated by or, in the alternative under 35 U.S.C. 103(a) as obvious over Li et al. on claims 22-26 are withdrawn because Applicants amended the claims.

***Response to Arguments***

10. Applicant's arguments with respect to claims 22-25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen O. Chu whose telephone number is (571) 272-5162. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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